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Matthew C. Loppnow

Date June 21, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 APPLICANT: KOTZIN, Michael EXAMINER: Coulter, K.
SERIAL NO.: 10/037,015 GROUP: 2141
10 FILED: December 21, 2001 CASE NO.: CS10398
ENTITLED: METHOD AND APPARATUS FOR OBTAINING INTERNET CONTENT
FOR A WIRELESS DEVICE

15 Motorola, Inc.
Intellectual Property Department
600 North U.S. Highway 45
Libertyville, IL 60048

20 APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
25 P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

30 Further to the Notice of Appeal filed on February 21, 2006, Applicant submits the
present Appeal Brief.

JUN 21 2006

*Intellectual Property Section
Law Department***FAX COVER SHEET**

DATE: June 21, 2006

TO: EXAMINER: COULTER, K. 571-272-3879
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ART UNIT 2141 571-273-8300
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FROM: MATTHEW C. LOPPNOW (847) 523-2585
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RE: APPLICATION NO. 10/037,015

TOTAL NUMBER OF PAGE(S) 14 (INCLUDING THIS PAGE)

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I. REAL PARTY IN INTEREST

The real party in interest is, Motorola, Inc.

5

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

10

III. STATUS OF CLAIMS

Claims 1-17 are pending. Claims 1-17 are rejected and are the subject of the present appeal.

15

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

20

The inventions are drawn generally to wireless communication systems and more particularly to obtaining and capturing content from a network such as the Internet or an intranet. (page 1, lines 4-6). For example, the present invention provides a method (Fig. 3) for obtaining content for a wireless device (202). A code (402) is associated (320, page 9, lines 2-4) with at least both a desired server containing desired content and with control description data (420) that defines at least when to start recording the desired content from the desired server. A code server (104) stores (324, page 9, lines 7-11) the code with associated control description data. The code server provides (328, page 9, lines 19-21) at least the stored control description data to the wireless device to facilitate acquisition of content.

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-17 are allowable over Colsey (U.S. Application Publication No.
2003/0005429 A1) under 35 U.S.C. § 102.

VII. ARGUMENT

Claim Limitations At Issue

In Claim 1, the limitations at issue are italicized below:

1. A method for obtaining content for a wireless device comprising:
associating a code with at least both a desired server containing desired content
and with *control description data that defines at least when to start recording the desired
content from the desired server*;
storing in a code server, the code with associated control description data; and
providing, by the code server, at least the stored control description data to the
wireless device to facilitate acquisition of content.

In Claim 9, the limitations at issue are italicized below:

9. A method for obtaining content for a wireless device comprising:
associating a code with at least both a desired internet server containing desired
content and with *control description data that defines at least when to start recording the
desired content from the desired internet server*;
storing in a code server accessible via the internet, the code with associated
control description data ; and
providing, by the code server, at least the stored control description data to the
wireless device to facilitate acquisition of internet content.

In Claim 12, the limitations at issue are italicized below:

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12. A wireless device comprising:
a processing circuit; and
memory containing programming instructions that when executed by one or more processing
circuits causes the one or more processing circuits to:
5 provide a code to a code server wherein the code server contains a copy of the
code and to provide *control description data that defines at least when to start recording
desired content from a desired internet server identified by the control description data*; and
receive stored control description data by the wireless device to facilitate
acquisition of internet content.

10 In Claim 15, the limitations at issue are italicized below:

15 15. A server comprising:
a processing circuit; and
memory containing programming instructions that when executed by one or
more processing circuits causes one or more processing circuits to:
associate a code with at least both a desired server containing desired content
and with *control description data that defines at least when to start recording the desired
content from the desired server*;
20 store for the server, the code with associated control description data ; and
provide, by the server, at least the stored control description data to a wireless
device to facilitate acquisition of content by the wireless device.

25 Examiner's Allegation

The Office Action rejects, under 35 U.S.C. § 102, claims 1-17 over Colsey (U.S.
Application Publication No. 2003/0005429 A1). This rejection is respectfully traversed.

30 Applicants' Argument

Applicant asserts Colsey does not disclose a code associated with at least both a
desired server containing desired content and with control description data that defines at least

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when to start recording the desired content from the desired server as recited in independent claim 1 and similarly recited in independent claims 9, 12, and 15.

5 "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

10 The Office Action alleges "Colsey discloses... associating a code with at least both a desired server containing desired content and with control description data that defines at least when to start recording the desired content from the desired server (Abstract; Fig. 1, item 12 'Media Server')." Applicants disagree. None of the cited sections disclose anything about control description data that defines at least when to start recording desired content. For example, element 12 only discloses a "Media Server," which is described in paragraph [0019] as "a media server 12 for providing, on demand, movies and other programming obtained from a media database 14. The media server 12 might also provide additional content such as
15 interviews with the actors, games, advertisements, available merchandise, associated Web pages, interactive games and other related content." There is no disclosure of a code associated with at least both a desired server containing desired content and with control description data that defines at least when to start recording the desired content.

20 Furthermore, the Abstract only discloses a grid showing a list of television programs as a function of time where when a command is transmitted by the viewer from a remote commander to initiate a preview of a specified program, the program is mapped to a video file containing a preview of the specified program. Again, there is no disclosure of a code associated with at least both a desired server containing desired content and with control description data that defines at least when to start recording the desired content.

25 In particular, the cited sections do not disclose anything about recording desired content. The cited sections only disclose playing programming from a media database and playing previews. There is no disclosure of control description data that defines at least when to start recording the desired content, much less recording desired content.

30 In fact, the only references to recording in Colsey refer to audio/visual devices 26 or 27 including recorders that can be coupled to a set-top box 22 (paragraphs [0021] and [0023]). However, there is no disclosure that these devices use control description data that defines at least when to start recording the desired content.

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The only other reference to recording in Colsey discusses how a "record" option activates a personal video recorder to record the program being previewed (paragraph [0045]). However, this does not use control description data that defines at least when to start recording the desired content. In particular, the user must activate a "Record" menu option to record a program that is all ready being previewed. This action clearly does not use control description data that defines at least when to start recording the desired content.

Consequently, Colsey does not disclose using control description data that defines at least when to start recording desired content. The only disclosure in Colsey of recording programming occurs when a record option is activated by a viewer. The recording of desired content is not controlled by a code that includes control description data that defines at least when to start recording desired content.

Thus, Colsey does not disclose a code associated with at least both a desired server containing desired content and with control description data that defines at least when to start recording the desired content from the desired server as recited in independent claim 1 and similarly recited in independent claims 9, 12, and 15.

Therefore, Applicants respectfully submit that independent claims 1, 9, 12, and 15 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102.

Kindly reverse and vacate the rejection of claims 1-17 under 35 U.S.C. § 102, with instructions for the Examiner to allow claims 1-17.

CONCLUSION

In view of the discussion above, the claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

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The Commissioner is hereby authorized to deduct the fees for filing a brief in support of an appeal and any fees arising as a result of this Appeal Brief or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

5

Respectfully submitted,



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10

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VIII. CLAIMS APPENDIX

Claims involved in the appeal:

- 5 1. A method for obtaining content for a wireless device comprising:
- associating a code with at least both a desired server containing desired content
and with control description data that defines at least when to start recording the
desired content from the desired server;
- storing in a code server, the code with associated control description data; and
- 10 providing, by the code server, at least the stored control description data to the
wireless device to facilitate acquisition of content.
- 15 2. The method of claim 1 wherein the step of providing at least the stored control
description data includes the step of performing, by the wireless device, time based
retrieval of the desired content in response to record start time data included in the
control description data.
- 20 3. The method of claim 1 including the step of, from time to time, sending the code by
the wireless device to the code server; and in response to receiving the code, the code
server performs the step of providing the stored control description data to the wireless
device.
- 25 4. The method of claim 1 wherein the step of storing the code with the associated control
description data includes generating a server code database containing a plurality of
codes each having associated control description data and publishing an online

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directory accessible by a plurality of subscriber wireless devices wherein the directory includes each of the plurality of codes and a description of what the code does.

5 5. The method of claim 3 wherein the step of providing the code is done in response to an access request by the wireless device and transparent to a user of the wireless device, obtaining, by the wireless device the desired content using the control description data.

10 6. The method of claim 1 wherein the control description data includes at least one of: a destination identifier for a desired content source, a record start time for the content, a record stop time for the content, and transmission protocol required to retrieve the desired content from the desired content source.

15 7. The method of claim 1 including storing user call back data with associated codes for each of a plurality of users and initiating a call back in response to control description data associated with the code.

20 8. A method for obtaining content for a wireless device comprising:
 associating a code with at least both a desired internet server containing desired content and with control description data that defines at least when to start recording the desired content from the desired internet server;

 storing in a code server accessible via the internet, the code with associated control description data ; and

 providing, by the code server, at least the stored control description data to the wireless device to facilitate acquisition of internet content.

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9. The method of claim 8 wherein the step of providing at least the stored control description data includes the step of performing, by the wireless device, time based retrieval of the desired content in response to record start time data included in the stored control description data.

5

10. The method of claim 9 including the step of, from time to time, sending the code by the wireless device to the code server; and in response to receiving the code, the code server performs the step of providing the stored control description data to the wireless device.

10

11. The method of claim 10 wherein the step of storing the code with the associated control description data includes generating a server code database containing a plurality of codes each having associated control description data and publishing an online directory accessible by a plurality of subscriber wireless devices wherein the directory includes each of the plurality of codes and a description of what the code does.

15

12. A wireless device comprising:

a processing circuit; and

20

memory containing programming instructions that when executed by one or more processing circuits causes the one or more processing circuits to:

provide a code to a code server wherein the code server contains a copy of the code and to provide control description data that defines at least when to start recording desired content from a desired internet server identified by the control

25

description data; and

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receive stored control description data by the wireless device to
facilitate acquisition of internet content.

13. The wireless device of claim 12 wherein the memory contains programming
5 instructions that when executed by one or more processing circuits causes the one or
more processing circuits to perform time based retrieval of the desired content in
response to record start time data included in the stored control description data.
14. The wireless device of claim 12 wherein the control description data includes at least
10 one of: a destination identifier for a desired content source, a record start time for the
content, a record stop time for the content, and transmission protocol required to
retrieve the desired content from the desired content source.
15. A server comprising:
15 a processing circuit; and
memory containing programming instructions that when executed by one or
more processing circuits causes one or more processing circuits to:
associate a code with at least both a desired server containing desired content
and with control description data that defines at least when to start recording the
20 desired content from the desired server;
store for the server, the code with associated control description data ; and
provide, by the server, at least the stored control description data to a wireless
device to facilitate acquisition of content by the wireless device.

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16. The server of claim 15 wherein the memory contains programming instructions that when executed by one or more processing circuits causes the one or more processing circuits to, in response to receiving the code, performing the step of providing the stored control description data to the wireless device.
- 5
17. The server of claim 15 wherein the memory contains programming instructions that when executed by one or more processing circuits causes the one or more processing circuits to store the code with the associated control description data by generating a server code database containing a plurality of codes each having associated control description data and publishing an online directory accessible by a plurality of subscriber wireless devices wherein the directory includes each of the plurality of codes and a description of what the code does.
- 10